

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
BUREAU OF REGULATORY SERVICES

In re: Mary Jane Briggs, R.T.

Petition No. 970311-028-002

CONSENT ORDER

Mary Jane Briggs of Wethersfield, CT (hereinafter "respondent") has been issued license number 000969 to practice as a radiographer by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 376c of the Connecticut General Statutes, as amended; and

The Department of Public Health alleges that on or about September 26, 1996, the respondent, Mary Jane Briggs, inserted a enema tip in an elderly patient causing vaginal tears.

The respondent, while admitting no guilt or wrongdoing, recognizes that the Department has an interest in insuring that the respondent as a licensed radiographer exercises a reasonable degree of skill and safety when performing barium enemas.

The respondent stipulates and agrees to the following:

1. The respondent shall be observed by a medical doctor, preapproved by the Department, for the first ten barium enemas performed after March 1, 1998 or such other date as established by the Department.
2. After observing ten such procedures, the medical doctor shall, within fourteen days, submit an affidavit to the Department attesting to the facts that he or she has personally observed the respondent perform the procedures and that the same

were performed with a reasonable degree of skill and safety.

3. The respondent shall be responsible for providing a written report by the medical doctor directly to the Department each month until the ten procedures are completed. The report shall include the dates of observation, the number of barium enemas performed and a statement that the respondent is practicing with reasonable skill and safety.

4. If the medical doctor reports at any time that the barium enemas were not performed with a reasonable degree of skill and safety, the respondent's license shall be placed on probation under the following terms and conditions:

- a. The respondent agrees to take instruction from the medical doctor regarding the performance of barium enemas.
- b. The respondent further agrees to not perform a barium enema without supervision from the medical doctor until such time as the medical doctor files an affidavit with the Department attesting to the facts that the respondent has submitted to instruction, that the medical doctor has supervised the performance of a minimum of ten barium enemas and in his/her professional opinion, the respondent is able to perform barium enemas with a reasonable degree of skill and safety.
- c. The respondent shall be responsible for providing written supervisor reports directly to the Department monthly until such time as the supervisor reports that he/she has personally observed ten barium enemas and that

such procedures were performed with reasonable skill and safety. At such time, the probationary period shall end.

5. All correspondence, reports and affidavit shall be directed to:

Bonnie Pinkerton, Nurse Consultant
Department of Public Health
Division of Health Systems Regulation
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

6. All reports required by the terms of this Consent Order shall be due on the tenth business day of each month.

7. This consent order is effective on the first day immediately following the date this Consent Order is accepted and ordered by the Hearing Officer.

8. Respondent agrees that this Consent Order shall be deemed public document, and the Department's allegations as contained this Consent Order shall be deemed true in any subsequent proceeding before the Department in which her compliance with this Consent Order or with Sec. 20-74cc of the General Statutes of Connecticut, as amended, is at issue.

9. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:

- a. The Department shall notify respondent in writing by first-class mail that the term(s) of this consent Order have been violated, provided that no prior written

consent for deviation from said term(s) has been granted.

- b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 8a above to demonstrate to the satisfaction of the Department that she has complied with the terms of this Consent Order or, in the alternative, that she has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation by the fifteen (15) day date contained in the notification of violation to the satisfaction of the Department, she shall be entitled to a hearing before the Department which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence presented to the Department by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
 - f. Respondent agrees to cooperate with the Department in its investigation of any alleged violation.
10. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Licensure and Registration Section of the Division of Health Systems

Regulation of the Department.

11. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department or Respondent at any time prior to its being executed by the last signatory.
12. Respondent understands and agrees that she is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which she is away from her residence.

I, Mary Jane Briggs, have read the above Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.

Mary Jane Briggs
Mary Jane Briggs

Subscribed and sworn to before me this 20th day of March, 1998.

James L. Sullivan
~~Notary Public~~/ Commissioner of the
Superior Court

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 13th day of April, 1998, it is hereby accepted.

Cynthia Denne
Cynthia Denne, Director
Division of Health Systems Regulation

The above Consent Order having been presented to the duly appointed Hearing Officer on the 23RD day of April, 1998, it is hereby ordered and accepted.

Catherine A. Hess

Catherine A. Hess
Hearing Officer